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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,)
13 Plaintiff,)) No. CR-07-00234-MJJ
14 v.)) STIPULATION AND ORDER
15 DARVELLE SMITH,)) TO CONTINUE DATE OF EVIDENTIARY
16 Defendant.)) HEARING ON FORM 12 PETITION
17 _____)

18 It is hereby stipulated, by and between the parties that the evidentiary hearing on
19 defendant's Form 12 petition be continued from Friday, October 26, 2007 at 2:30 p.m. to Friday,
20 November 9, 2007 at 2:30 p.m.

21 The stipulation is based on the fact that government counsel must be out of town on
22 Friday, October 26 and defense counsel is currently in trial. He needs additional time to prepare
23 this matter. Moreover, both counsel need further opportunity to see if the possibility of an
24 agreement can be reached.

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As such, the parties respectfully request that the matter be continued to November 9, 2007 at 2:30 p.m. for either an evidentiary hearing on Mr. Smith's Form 12 or to bring a joint resolution of the petition to this Court.

DATED: October 23, 2007

Respectfully submitted,

DATED: October 23, 2007

/s/
RICHARD HOVE
Attorney for Darvelle Smith

IT IS SO ORDERED.

DATED: 10/25/07

